

REMARKS/ARGUMENTS

Restriction Requirement

The Examiner issued a restriction requirement under 35 U.S.C. § 121. The Examiner classifies the claims of the original application into four patentably distinct species as indicated in Figures 2, 3, 4, and 5.

In response to the Applicant's earlier election with traverse of species A (figure 2) and D (figure 5), the Examiner maintains the position that species A and D are patentably distinct species and maintains the requirement that the Applicant further elect between the embodiment of species A and D.

The Applicant hereby confirms the election for prosecution, with traverse, of claims 1 – 4 and 6 that read upon the invention shown in Figure 2. The Applicant cancels claims 7 – 10 and 12 without prejudice.

Rejection of Claims 1 – 4 and 6 Under 35 U.S.C. §102(b)

Claims 1 – 4 and 6 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kemp, "Discover Debuts Its First Platinum Card."

The Applicant has amended independent claim 1 to further describe the invention. Claim 1 describes the "sponsor of spending vehicles" and the "payor for transferring a payment" as separate entities. More specifically, the payor is described as a "third party payor" in amended independent claim 1. Support for the amendment can be found at the first full paragraph on Page 6 of the original disclosure describing an embodiment of the present invention in Figure 2. The invention described includes a

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transaction involving a minimum of three parties: (1) the individual, (2) a sponsor, and (3) a payor.

At least in this respect, the present invention described in independent claim 1 is distinguished over the Kemp reference. Applicant thus respectfully submits that by distinguishing independent claim 1, the outstanding rejections to dependent claims 2 – 4 and 6 may be properly withdrawn.

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CONCLUSION

Claims 1 – 4, 6 – 10, and 12 were pending in the application.

Claim 1 has been amended.

Claims 7 – 10 and 12 have been cancelled without prejudice.

No claims have been added.

As a result of the foregoing amendment, claims 1 – 4 and 6 that read upon the invention shown in Figures 1 and 2 are pending in the present application. The Applicant has distinguished the present invention from the prior art reference cited by the Examiner.

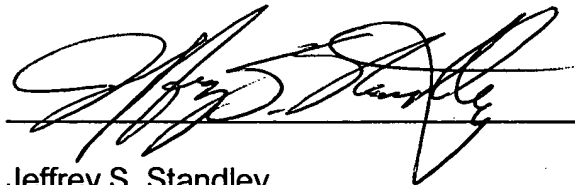
Attached hereto is a marked-up version of any changes made to the claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**

In light of the foregoing amendments and remarks, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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Version With Markings To Show Changes Made

In the Claims:

Claim 1 has been amended as follows:

1. (twice amended) A system for distributing spending vehicles, comprising:
 - payment rights for an individual entitled to receive a payment;
 - a sponsor of spending vehicles;
 - an assignment of said payment rights;
 - a third party payor for transferring a payment to an assignee in accordance with said assignment of payment rights; and
 - a spending vehicle issued from said sponsor to said individual in an amount related to said assigned payment rights.

Claims 7 – 10 and 12 have been cancelled without prejudice.

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